

July 17, 2012

**Budget Workshop
5:00 p.m.**

**Regular Public Meeting
6:00 p.m.**

**Commission Chamber
City Hall
Port St. Joe, Florida**



City of Port St. Joe

Mel Magidson, Mayor-Commissioner
Bill Kennedy, Commissioner, Group I
Bo Patterson, Commissioner, Group II
Phil McCroan, Commissioner, Group III
Rex Buzzett, Commissioner, Group IV

[All persons are invited to attend these meetings. Any person who decides to appeal any decision made by the Commission with respect to any matter considered at said meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Board of City Commission of the City of Port St. Joe, Florida will not provide a verbatim record of this meeting.]

BOARD OF CITY COMMISSION

**Regular Public Meeting
6:00 p.m.
City Hall
Commission Chamber
Tuesday July 17, 2012**

Call to Order

Consent Agenda

Minutes

- **July 3, 2012 Regular Meeting** **Pages 1-6**

City Attorney

- **Ordinance 481, Nuisances** **Pages 7-8**
 - **First Reading**
- **Ordinance 482, Park Regulations** **Pages 9-12**
 - **First Reading**
- **Ordinance 483, Home Shelters** **Pages 13-18**
 - **First Reading**

City Manager Report

Old Business:

- **Centennial Building Acoustics- Update, Eric Davidson**
- **Lighthouse Facilities-Update**
- **Joint City/County Workshop- Update**
- **Irrigation Rates- Discussion** **Pages 19-22**
- **Utility Services Contract- Update**
- **Chipola Pump Station Inspection- Update**

New Business:

- **DR-420- Proposed Millage Rate**
- **Grinder Pump Bids (Handout, bids close at 3:00 on 7/13)**
- **Recycle Binds- Waste Pro**
- **Ship Program- County Inspection Request**

Public Works

- **Update**

Surface Water Plant

- **Update**

Waste Water Plant

- Update

City Engineer

- Headworks and Sprayfield Project- Update
- Water Distribution System Upgrades Phase I & II- Update

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Code Enforcement

- Update

Page 24

Police Department

- Roof Repairs

PSJRA

- Update

City Clerk

- Update

Citizens to be Heard

Discussion Items by Commissioners

Motion to Adjourn

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF CITY
COMMISSIONERS FOR THE CITY OF PORT ST. JOE, FLORIDA, HELD IN THE
COMMISSION CHAMBER AT CITY HALL, July 3, 2012, AT 6:00 P.M.**

The following were present: Mayor Magidson, Commissioners Buzzett, McCroan, Patterson and Kennedy. City Manager Jim Anderson, City Attorney Tom Gibson, and City Clerk Charlotte Pierce were also present.

CONSENT AGENDA

Minutes

A motion was made by Commissioner Kennedy, second by Commissioner Patterson, to approve the Minutes of the June 19, 2012, Regular Meeting and the June 26, 2012, Workshop Meeting. All in Favor; Motion carried 5-0.

CITY ATTORNEY - Tom Gibson

Gulf Pines Hospital Site Update

Mr. Gibson has reached out to the private companies that hold the tax liens but has not had a response from them. He will be contacting the IRS this week for a follow up on their lien.

CITY MANAGER'S REPORT

Old Business

CDBG Grant Application – Bruce Ballister

Mr. Ballister has been working with the engineers to obtain measurements for the amount of pipe that will be needed to complete the project that is not covered by CDBG Funds.

North Florida Child Development – Bruce Ballister

The road to the facility has been completed and we are waiting for the punch list items to be addressed.

Fair Housing Public Hearing - Bruce Ballister

Mr. Ballister reviewed the "Basic Facts About the Fair Housing Act" brochure and provided the Commission with a hand out of this information.

Centennial Building Upgrades - Eric Davidson

Mr. Davidson has completed his survey work and is processing the results. He provided the Commission a handout with pictures and data from the 2008 IDI / Waterfront Partnership Report Recommendations. Mr. Davidson has met with the "Save the Centennial Building" Committee. Their major concerns are Hospitality issues and would like to make a presentation of their present concerns and solutions to the Commission at the July 17, 2012.

Commissioner Buzzett reminded Mr. Davidson that the original purpose of his job was for acoustic improvements and asked that he focus on that rather than other issues.

Commissioner Kennedy reported that he had obtained copies of the Centennial Building plans prepared by Bay Design Associates Architects in 2001.

Workforce Board Lease Agreement

A motion was made by Commissioner Buzzett, second by Commissioner Patterson, to extend the Workforce Board Lease Agreement, as is, for an additional year at the Washington Sites of 307 Peters Street and 414 Kenney Street. All in Favor; Motion carried 5-0.

Maintenance Contract Proposal

After a presentation by Kenny Wood outlining his proposal, a motion was made by Commissioner Buzzett, second by Commissioner Kennedy, to enter into a Professional Services Maintenance Contract with Mr. Wood. All in Favor; Motion carried 5-0. The contract rate is \$640 per month for six months. Additional work may be directed by the City Manager.

Christy McElroy questioned the need for a contract and asked that a critical eye be given to this proposal and that the City be conscientious before adding more cost. Ms. McElroy also offered her thanks to the City employees that were so prompt in cleaning up after Tropical Storm Debby and the employees that took water samples at her home.

IT Bid Proposals

This is a re-advertisement of RFP 2012-02. Bluemanta's quote was for \$50.00 per hour and TJ's Network was \$45.00 per hour. After considerable discussion and rebuttal by Chuck Edwards of Bluemanta, a motion was made by Commissioner Patterson, second by Commissioner Kennedy, to accept the proposal of Bluemanta. All in favor; Motion carried 5-0. (Note: City Manager Jim Anderson noted that the length of the current Bluemanta contract was for one year. Mr. Edwards was adamant that the contract was for two years. Staff researched the issue and found that the Bluemanta Contract was entered into on May 26, 2011, for a period of 12 months. Prior to that time, the contract had been with TJ's Network from the time of installation, and a contract date of February 26, 2008, until a Notice of Termination letter dated March 25, 2011 was sent to Mr. Pelham.)

ADA Compliance Project - Change Order #1

Commissioner Kennedy motioned, Commissioner Patterson second, for Change Order #1, to add steps and hand rails and other minor alterations for the City Hall renovations per RFP #3 (cost of \$1,354.02) and Contractor's proposal to add owner desired bottom rail to the handrail at the Centennial Building per RFP #2 and Contractor's proposal (cost of \$889.35) to be approved for the total amount of \$2,243.37. All in Favor; Motion carried 5-0.

Trash Dumpster Lease Agreement

Jeff and Candice Anderson have offered to extend the Trash Dumpster Agreement for an additional year. This dumpster is used by Sister's Restaurant, Pepper's Mexican Grill and Provisions. This past year the cost was covered by the City but future lease fees totaling \$150 per month will have to be shared by the restaurant owners. Mayor Magidson requested that this item be on the July 17, 2012, Agenda.

Leave Payout Policy- Requested by Commissioner Kennedy

Commissioner Kennedy has requested that research be done to see how other entities are handling Leave Payout Requests. Mr. Anderson shared that once the budget preparation is completed, these issues will be looked into.

Commissioner Buzzett asked that Staff gather information from cities of like size to see what their policies are and bring the information back to the Commission.

Lighthouse Facilities – Mayor Magidson

Mayor Magidson has been working with various agency representatives to try to cut out the unnecessary paper work to have the Cape San Blas Lighthouse Complex relocated. He shared that a General Services Administration Project Manager is trying to determine the best way to make the facility available to the City. Mayor Magidson announced that the July/August 2012 issue of Lighthouse Digest had a two page story on the immediate threats to the Cape San Blas facility.

Fourth of July Activities

Mr. Anderson thanked City Staff and volunteers for a job well done in preparing for the upcoming celebration. Everything is in place for all festivities.

Road Striping Plan

Mr. Anderson has been talking with Gulf County Administrator Don Butler on the Striping Plan. The County is in the process of identifying their funding source for the project and Mr. Butler will be getting back with Mr. Anderson when this is completed.

New Business

Joint City/County Workshop

The Gulf County Board of County Commissioners has requested a Joint Meeting between the County and City. Mayor Magidson reminded the Commission that he had sent a letter to the County in February 2012, asking for a meeting and had not received a response. After discussion, Mr. Anderson was instructed to meet with County Administrator Don Butler to determine tentative dates the County would be available and the issues they wished to discuss.

Ice Machine Presentation – Polarmatic

Charles Renauld of Polarmatic was unable to attend the meeting. A discussion concerning Public/Private Partnerships was discussed. The Commission was not inclined to compete with the local convenience stores and Piggly Wiggly for the sale of ice.

Sign Ordinance - Requested by Commissioner Patterson

Commissioner Patterson requested discussion on the City's Sign Ordinance. He has received complaints from business owners that the current Sign Ordinance prevents them from advertising off premises.

Local business owners, George Boyer, Darren McDaniel and Teresa Hammond addressed the Commission with their issues. After a lengthy discussion, a motion was made by Commissioner Kennedy, second by Commissioner McCroan, to allow off site sandwich board signs of up to 30" x 36" to be used until after Labor Day. These signs must not obstruct sidewalks.

2012-2013 Budget

Mr. Anderson reported that Staff is working to prepare the 2012 – 2103 Budget. The DR 420 Form has been received from Gulf County Property Appraiser Kesley Colbert's office. A 6% reduction in Advalorem Taxes is anticipated. The DR 420 must be returned to Mr. Colbert's office within 30 days. Mr. Anderson reminded the Commission the Millage Rate must be established and once it is set, the Commission cannot go up on the rate but can reduce it. We are waiting on Insurance Rates from Dwight Van Lierop to complete the budget planning.

Public Works

Mr. Grantland noted that the FL Department of Transportation, Transfield Services and GAC are working on the storm water issue at the Intersection of Garrison Avenue and Highway 71. They anticipate having the repairs made and the road reopened by the end of next week.

Surface Water Plant – Larry McClamma

Mr. McClamma reported that Membrane Tank Wall Cell #2 has been repaired. Rather than have any cells down during the holiday, work will resume on the other three cells on July 18, 2012.

Waste Water Plant – Kevin Pettis

Mr. Pettis advised the Commission that there had been a very small spill at the old primary headworks. DEP was notified and all paper work has been filed. The spill was contained with no additional issues.

Parshall Flume Closure

Preble Rish will be handling the construction engineering and inspection of the project for the City and North Florida Construction, Inc., will provide the equipment, labor, and materials to install concrete to fill the effluent flume at the lagoon discharge. This item is subject to more or less concrete as directed by the engineer, and will be paid for by invoices after actual quantities and specific materials are established. Concrete flume plug, \$4,600.00. This included Bond and Insurance coverage in the amount of \$69.00 for a total of \$4,669.00. A motion was made by Commissioner Buzzett, second by Commissioner Patterson, to approve the expenditure in the amount of \$4,669.00. All in Favor; Motion carried 5-0

City Engineer – Clay Smallwood

Surface Water Plant

High Surface Pump #2 has been repaired and is back in service. Pump #3 is currently being repaired and there is no delivery date on it yet. This will tie into what was already being tracked with the earlier failures on the pumps. CDM will incorporate this into the review of the first failures.

Today, Siemens has ordered the CIP Pumps they are supplying.

Headworks and Sprayfield Project

As of 5:30 P.M., today Progress Energy has power to the Headworks and completed that portion of their work. The substantially complete date of July 20, 2012, may have to be changed as company representatives will be coming from out of town and it will depend on travel schedules. Sprigging has begun at the Sprayfield. Progress Energy has the meter set at the grinder cans, Siemens is coordinating with Gilbert Pump for start up.

Mike Lacour expressed his concern that the sooner the facility is operational, the better we might have data to project properly the cost for the upcoming budget.

Water Distribution System Upgrades Phase I

Asphalt patches, not the final product, were installed today for Monument and Twelfth; Third and Fourth on Woodward; Third and Fourth on Long; First and Woodward. Scheduling issues with subs and rain have slowed the project down some.

The contractor is starting to connect services along Garrison. All of Westcott Circle will open up. Thursday the tie in to the Gulf County Court House will be made after hours. Thursday morning the tap will be made to the main on Long Avenue.

Mr. Grantland mentioned a stormwater problem with Bird Alley. He and Mr. Smallwood will look at the situation.

Commissioner Kennedy questioned when the three circles and Garrison Avenue would be tied in. Mr. Smallwood responded that lines have been cleared to South of Westcott Circle.

Code Enforcement

Mr. Burkett's report was reviewed.

Mayor Magidson confirmed that, effective immediately, all fines associated with off premise sandwich signs are to be waived. The issue will be addressed after Labor Day.

Police Department

Sgt. Burch attended the meeting for Chief Barnes and there were no reports to be given.

Mayor Magidson questioned if the opening for a Police Officer had been filled. Mr. Anderson responded that the closing date for applications was June 29, 2012, and neither this position nor the Public Works Utility Service Worker have been filled.

PSJRA – Gail Alsobrook

Ms. Alsobrook shared a list of new directors for the PSJRA which are Willie Ramsey, Chairman; Boyd Pickett Vice Chairman; Bill Reed, Secretary and Aaron Farnsley, Treasurer. She also noted that the USDA Grant in the amount of \$200,000 for the Martin Luther King, Jr., Boulevard Sidewalk Grant has been approved and obligated.

Twelve bike racks will be purchased and Ms. Alsobrook asked that the Commission identify the locations for the bike racks.

City Clerk

Mrs. Pierce shared that Mrs. Brenda Garth had delivered a plaque to the City for their participation in the Forgotten Coast Warrior Weekend. The inscription on the plaque read "In Appreciation for Your Support & Patriotism Forgotten Coast Warrior Weekend Honoring American Heroes 2012 Warrior Offshore Shootout Fishing Tournament"

Citizens to be Heard

Ann White questioned a Public Notice that was in the Star on June 21, 2012, concerning changing the number of meetings a city would have from two to one per month. Mr. Gibson explained that this was relative to the City of Wewahitchka and not Port St. Joe.

Discussion Items by Commissioners

Commissioner Kennedy asked that steps be taken to make the irrigation meters more affordable for citizens.

Commissioner Patterson requested that the Commission consider funding for the Gulf County Public Library in the upcoming budget.

ORDINANCE NO. : 481

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA AMENDING SECTION 30-27 OF THE CITY OF PORT ST. JOE CODE OF ORDINANCES, PROVIDING AN ADDITIONAL DEFINITION OF NUISANCE AS ANY ACTIVITY CONDUCTED ON A PROPERTY WITHIN THE CITY REQUIRING THE PRESENCE OF LAW ENFORCEMENT OFFICERS ON FIVE OR MORE OCCASIONS OF ANY THIRTY DAY PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the people of the City of Port St. Joe, Florida:

Section 1: Section 30-27 of the City of Port St. Joe Code of Ordinances is hereby amended to add sub-paragraph 23 to the definition of nuisance which will read as follows:

- a. Property or activity conducted on property within the City, whether owned, leased or used by a person or organization whether for profit or not for profit that requires the presence of law enforcement officers or emergency management services on their premises on five or more occasions within any thirty day period.
- b. Owners of property or lessees, users, or occupants of property that permit the existence of any illegal activities on such property that are prohibited by the laws of the State of Florida or the ordinances of the City requiring the presence of law enforcement officers or emergency management services on their premises on five or more occasions within any thirty day period.

2. REPEAL:

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3. SEVERABILITY:

The provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

4. EFFECTIVE DATE:

This Ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe,
Florida this ____ day of _____, 2012

THE CITY OF PORT ST. JOE

By: _____
MEL MAGIDSON, JR.
MAYOR-COMMISSIONER

ATTEST:

CHARLOTTE M. PIERCE
CITY CLERK

The following commissioners voted yea:
The following commissioners voted nay:

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Commissioner Patterson asked what the \$5.00 maintenance fee was for on the grinder pumps. It was explained that this goes into a sinking fund for replacement of the pumps. This prevents the owner from having a large replacement cost for a pump when it goes out.

Commissioner McCroan - Nothing at this time.

Commissioner Buzzett complimented and thanked the City Staff for going above and beyond during Tropical Storm Debby.

Mayor Magidson reminded everyone that tomorrow is the 4th of July and is a very important holiday for our country. He encouraged everyone to be safe, enjoy the festivities, especially the fireworks, remember what we are celebrating and that freedom is not free.

A motion was made by Commissioner Kennedy, second by Commissioner McCroan, to adjourn the meeting at 8:25 P.M.

Approved this _____ day of _____ 2012.

Mel C. Magidson, Jr., Mayor

Charlotte M. Pierce, City Clerk

ORDINANCE NO. 482

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA AMENDING CHAPTER 58 OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. JOE; PROVIDING FOR REGULATION OF CERTAIN ACTIVITIES ON PARKS AND OTHER PUBLIC PROPERTY; PROVIDING FOR TIMES OF OPERATION; PROHIBITING CERTAIN GLASS CONTAINERS; PROHIBITING THE OBSTRUCTION OF SIDEWALKS AND STREETS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE:

Chaper 58 of the Code of Ordinances of the City of Port St. Joe is hereby amended to include the following:

Sec 58-5. Parks and Other Public Property

Section 1. Unless a sign is posted stating otherwise, all public parks of the City are opened from 5:00 o'clock a.m. to 9:00 o'clock p.m., unless open later for a public event. It shall be unlawful for any person to be on the park grounds and facilities when it is not opened.

Section 2. Except for governmental activities and/or other permitted activities authorized by the City within its governmental authority it shall be unlawful for a person to do any of the following on the park grounds or other public property.

- (a) Lie or otherwise be in a horizontal position on a park bench or grounds where prohibited by signs;
- (b) Sleep on park grounds at any time during the hours from sunset to sunrise of the following day;
- (c) Construct any hut, shanty, or other shelter;
- (d) Cook foodstuffs except where facilities for such preparations are provided by the City;
- (e) Set or stoke a fire except where appropriate facilities are provided by the City;
- (f) Discharge or deposit human wastes, except in toilet facilities provided or approved by the City;
- (g) Dig holes or otherwise disturb the natural surface of the ground;
- (h) Pick flowers or damage or remove plants, trees, shrubs, or any part of the park grounds;
- (i) Erect signs or affix signs to any tree, post or park facility or grounds, except signs posted by the City;

- (j) Kill, injure, harm, capture, chase, poison, or remove any wildlife, animal, bird, or touch, break, remove, or relocate any bird egg located above, upon or under park grounds;
- (k) Write on, draw on, or otherwise deface, damage, remove or destroy any park facility or any part of the park grounds;
- (l) Purchase, sell, offer for sale, possess or consume any alcoholic beverages as defined by the laws of Florida, unless authorized by Chapter 6 of this Code of Ordinances;
- (m) Sleep or otherwise be or remain in any bushes, shrubs, or other foliage;
- (n) Use public restrooms to shave and/or shower; provided, however, that showering is permitted where shower facilities are specifically provided for public use;
- (o) Sit in or on any trash receptacles, planters, or newspaper dispensers provided for public use;
- (p) Bathe or otherwise be or remain in a water fountain and/or reservoir;
- (q) To stop, stand, or park any motor vehicle or trailer in an area not specifically designated for parking.

Sec. 58-6. Glass Containers Prohibited

Section 1. An open glass container is defined as:

- (a) Any drinking vessel made of glass, excluding drinking glasses in their original package that contain no liquid or
- (b) A container made of glass upon which the seal has been broken and which by virtue of its labeling or contents would normally contain a consumable beverage.

Section 2. Should a violation occur in the presence of a law enforcement officer, the officer shall advise the offender of the provisions of this ordinance and direct the offender to:

- (a) Immediately depart from the public property or
- (b) To immediately dispose of the glass container and its contents. Should the offender refuse to comply with the requests of the officer, the offender will be arrested and charged pursuant to Section 843.02, Florida Statutes, resisting officer without violence to his or her person.

Section 3. The provisions of this ordinance shall not apply to persons engaged in picking up or transporting empty bottles for recycling or disposal or to persons taking part in litter control programs.

Sec. 58-7. Obstruction of Streets and Sidewalks.

Section 1. It shall be unlawful for any person or group of persons to obstruct or cause to be obstructed any public space parallel to any public sidewalk including linear streets, rights of way, alleys or entrance that prevents the free and proper use thereof.

Section 2. No person shall sit or lie down on a public sidewalk or upon a blanket, chair, stool or any other object placed upon public sidewalk. This prohibition shall not apply to a person sitting or lying on a public sidewalk because of a medical emergency, because of a person's disability requiring the use of wheelchairs, walkers or similar appliances, attendance at an authorized event by the City occupying the adjacent streets, or sitting on a bench or chair supplied or authorized by the City.

Section 3. If the gathering is in response to an entertaining event, the police will have the right to order the people involved in the event to cease the performance or be subject to a violation of this section.

Section 4. Obstructing of streets or sidewalk passages caused by governmental repairs or a parade shall not cause a violation hereof.

Sec. 58-7. Penalties for Violation

Except as otherwise provided by the Municipal Code of the City, a person convicted of a violation of any of the above offenses shall be punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 60 days or by both such fine and imprisonment in the discretion of the Court. Unless stated otherwise, each day that a violation continues shall constitute a separate offense.

REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

EFFECTIVE DATE: This ordinance shall become effective upon adoption as provided by law.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this ____ day of _____, 2012.

CITY OF PORT ST. JOE

By: _____
Mel C. Magidson, Jr., Mayor-Commissioner

ATTEST:

Charlotte M. Pierce, City Clerk

The following commissioners voted yea:

The following commissioners voted nay:

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ORDINANCE 483

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA TO REGULATE AND CONTROL THE APPLICATION, REVIEW, PERMITTING PROCESSES, AS WELL AS THE REGULATION AND ANNUAL EVALUATION OF ANY AND ALL HOMELESS SHELTERS; PROVIDING FOR APPROPRIATE LOCATIONS FOR SUCH FACILITIES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of City Commissioners of the City of Port St. Joe, Florida (hereinafter "Commissioners"), find and determine that the City of Port St. Joe (hereinafter "City") Land Development Regulations and its regulations were intended to maintain and improve the quality of life for all citizens of the City; and

WHEREAS, the Commissioners seek to preserve the public peace, community tranquility, health, safety and general welfare of all citizens of the City, and

WHEREAS, the Commissioners find and determine that the City has adopted Land Development Regulations in order to implement its Comprehensive Plan and to comply with the requirements of the laws of State of Florida, including the regulation of land use within the City of Port St. Joe for the purpose of establishing homeless shelters in conjunction with the development of land; and

WHEREAS, in order to carry out the purposes of the Florida Statutes and the purposes of the City's Land Development Regulations, the Commissioners find and determine that the City's Land Development Regulations should regulate homeless shelters, including by designating restricted or prohibited uses, as well as the proper procedures for application, review, location, permitting and financial public support for such homeless shelters; and

WHEREAS, the Commissioners find and determine that the City of Port St. Joe Comprehensive Plan Objective 1.3 is to reduce the extent of land uses that are incompatible with the Comprehensive Plan by implementing Land Development Regulations consistent with the stated policies; and

WHEREAS, the Commissioners have determined following public hearings, careful evaluation of both the research and experience of neighboring communities and their approach and process for enabling those in need of such homeless shelter, that such services should be provided with the condition that the facility is not contrary nor inconsistent with one or more of the purposes of the Comprehensive Plan and the Land Development Regulations, and by prescribing the proper process, application, review, evaluation, permitting and funding of such facility; and

WHEREAS, the Commissioners have determined the need to address the City's Land Development Regulations relative to homeless shelters, and wishes to ensure that the City's Land Development Regulations as they relate to a homeless shelter are in compliance with all constitutional and other legal requirements; and

WHEREAS, the Commissioners find and determine that the Comprehensive Plan requires the City to manage land development in such a way that the health, safety, social, and economic well-being of the citizens of the City of Port St. Joe is ensured; and

WHEREAS, the predominant concern in establishing homeless shelter regulations for the development and use of land is with any adverse secondary effects, and not with the intent nor mission of such a homeless shelter; and

WHEREAS, the Commissioners wish to enable and provide the proper process to establish a homeless shelter while also recognizing that the operation of such facilities in a Florida community can create atypical and extraordinary obligations and additional burdens on the demand for City services and support; and

WHEREAS, the Commissioners find, based on information presented at public hearings, staff review of both established regional and national studies as well as the review of expert testimony regarding the issue of homelessness in surrounding communities that the operation of a homeless shelter has consistently resulted in significant increased police activities, increased activity of emergency management personnel, staff and resources and ultimately a demand on the social services and structure of those municipalities and communities directly providing and supporting the users of a homeless shelter; and

WHEREAS, the purpose of this ordinance is to authorize the operation of shelters for homeless persons within the City of Port St. Joe under circumstances which assure the public protection while also securing and enhancing the health, safety and welfare of all city residents along with Participants, consistent with the Comprehensive plan; and

WHEREAS, the Commissioners strive to balance the Comprehensive Plan mandate to maintain and improve the quality of life for all citizens while also providing an outlet and ability to offer adequate support services for shelter occupants with proper regulation and oversight; and

WHEREAS, the Commissioners find and determine that a major deterrent to a decline is a healthy civic pride, and further note the importance of an interest in maintaining a civic pride, public health and safety and strong internal community support and therefore seek to provide the ability to provide homeless individuals shelter in an orderly, structured and responsible community based approach that recognizes the need for both the homeless assistance while maintaining the City of Port St. Joe's civic pride; and

WHEREAS, the Commissioners find and determine that the City of Port St. Joe Comprehensive Plan intent and goal is to seek a well planned community that can attract and retain the kinds of residence, business and industry that it desires and can avoid any blight and deterioration that cause depreciation of property values and to that end the Commissioners have

sought to ensure adequate protection for residents within the City in which a shelter is specifically located; and

WHEREAS, The Commissioners find and determine that tourism is a significant and important economic activity within the community and that a homeless shelter land use is incompatible with tourist related land use and economic activities; and

WHEREAS, the Commissioners find and determine that the following ordinance is consistent with all applicable policies of the City, including its Comprehensive Plan and Land Development Regulations, and is not in conflict with the public interest, and will not result in incompatible land uses;

NOW THEREFORE, BE IT ENACTED, by the People of the City of Port St. Joe, as follows:

Section 1. Definitions

- A. "Homeless shelter" or "shelter" means a facility intended to provide temporary housing to people in need and without homes.
- B. "Person" means an individual, a business entity or organization, or a governmental entity.
- C. "Participant" means an individual that has qualified for admission into the shelter for temporary relief and assistance with basic necessities of life such as food and clothing. A participant under the definition and terms of this ordinance, however, does not provide residency nor "intent to reside" status to an individual participating. Participant is an individual that receives the benefit of the shelter services, however, may not claim residency of the shelter as a home, domicile, residence or intent to reside.
- D. "Tourist Corridor" means U.S. Highway 98, State Road 71 and Garrison Avenue within the City limits of the City of Port St. Joe.

Section 2. Permit required

No person may establish or operate a homeless shelter in the City of Port St. Joe without a permit.

Section 3. Application

A person who wishes to establish and operate a homeless shelter shall file an application for a permit with the City of Port St. Joe. The application shall specify the shelter's proposed location and the number of anticipated residents, and any other information considered necessary by the City to process the application. The application should include a statement by the applicant addressing each element of the burden of proof required for the issuance of a permit as described in Section 4 below. When filing the application, the applicant shall pay the processing fee established by the City Commission through this ordinance of Fifteen Hundred Dollars (\$1,500.00) to offset the extraordinary city staff time for review and preparation of this unique and specific permit approval process.

Section 4. Burden of proof

An applicant for a permit under this chapter has the burden of demonstrating each of the following elements:

- A. The proposed facility is appropriate for the shelter under consideration;
- B. The proposed location for the shelter is appropriate, given proximity, for example, to schools, churches etc. and complies with the requirements of Section 7 of this ordinance;
- C. The shelter's participants will be provided basic necessities of life, such as food and clothing;
- D. The shelter's participants will receive any necessary medical treatment, and have adequate access to social services and other support services such as counseling for employment and permanent housing opportunities;
- E. The shelter will provide transportation for shelter residents as may be needed to implement the shelter's program, particularly to any off-site location where services are proposed provided;
- F. The shelter will provide adequate on-site supervision and security;
- G. The shelter's operating rules provide for immediate termination of participant's services and provide an immediate plan for transportation out of the City of any participant who engages in criminal activity;
- H. The shelter will provide adequate coordination with the police department for the provision of screening and security functions;
- I. The shelter will provide a community liaison to ensure sufficient avenues of communication with the neighborhood and effective response to complaints from citizens;
- J. Adequate police services are capable of being provided and are available;
- K. The facility and location comply with applicable provisions of the City's building and zoning ordinances;
- L. The applicant and its staff possess the requisite education and experience to properly manage the shelter;
- M. The facility and its professionals submit sufficient plans demonstrating the rehabilitation, training, life counseling and calendar for progression through educational and/or vocational endeavors to the participant;
- N. The applicant is prepared to pay the permit fee described in Section 6 of this ordinance.

Section 5. Public hearing – Decision – Term

Because of the potential for additional law enforcement, emergency management services and other public services required by this land use, a homeless Shelter is hereby designated as a Level 2 Major Development and shall be reviewed as such according to the requirements of Section 2.03 of the Land Development Regulations. The term of the permit shall not exceed twelve (12) months.

Section 6. Permit fee

If the Board of City Commissioners of Port St. Joe approves the application, it shall as a part of the approval process fix the amount of the permit fee. The permit fee is in addition to the processing fee referred to in Section 3.

Once an application is approved by the Board of City Commissioners of Port St. Joe, the applicant shall pay the permit fee fixed by the Commission. The permit fee shall be the amount required to cover the City's anticipated increased costs in providing police, emergency medical and related support services for a projected annual term as a result of the shelter's operation. The annual renewable permit fee shall be established by vote of the Board of City Commissioners of Port St. Joe following the research, review and final recommendation of City staff. The Commissioners, by resolution, may modify the payment schedule of the permit fee by allowing quarterly or semi-annual payments. Subsequent to the first year of operation the fee shall be based on the City's documented increased costs plus any additional expected increased cost occasioned by foreseeable events such as the expansion of the shelter.

Section 7. Location

No homeless shelter may be located within one half mile of any Tourist Corridor

Section 8. Revocation

The Board of City Commissioners of Port St. Joe may revoke a permit issued under this Section if it determines that the shelter is not operating in accordance with the terms of the permit. Before it considers revocation of the permit, the Board of City Commissioners of Port St. Joe shall first conduct a noticed public hearing giving the permittee an opportunity to respond to grounds in support of revocation.

Notice of the revocation hearing shall be mailed postage prepaid by first class mail to the permittee at the address set forth in the application at least 10 days before the date set for the hearing.

Section 9. Exception

This Ordinance does not apply to a temporary emergency homeless shelter established immediately after a natural disaster which results in a local disaster proclamation by the Board of City Commissioners of Port St. Joe. A temporary emergency homeless shelter may operate for a maximum of 45 days. The City Clerk may extend that period for additional periods of 45 days, upon approval of the Board of City Commissioners of Port St. Joe.

Section 10. Violation – Penalty

- A. A person who violates a provision of this chapter is guilty of a first degree misdemeanor.

- B. Each violation of this ordinance shall constitute a separate offense.
- C. The City shall have recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions hereof, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions hereof and to recover such damages as may be incurred by the implementation of corrective actions.

Section 11. Repeal

All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

Section 12. Effective Date

This ordinance shall take effect upon final adoption and publication in accordance with the law.

THE CITY OF PORT ST. JOE

By: _____
Mel C. Magidson, Jr.
Mayor-Commissioner

ATTEST:

Charlotte M. Pierce
City Clerk

The following commissioners voted yea:
The following commissioners voted nay:

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ORDINANCE NO. 472

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA, AMENDING ORDINANCE 453, ESTABLISHING NEW BASE RATES BY CUSTOMER CLASSIFICATION; ESTABLISHING NEW VOLUME CHARGE, ESTABLISHING NEW ANNUAL ADJUSTMENTS TO THE BASE RATES AND VOLUME CHARGES; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Joe owns and operates a water treatment facility that provides potable water to the city and surrounding areas; and

WHEREAS, the City of Port St. Joe has caused to be conducted by Burton and Associates, Inc., a rate study of the city water rates; and,

WHEREAS, the rate study found that the water rate increases provided for in Ordinance 453 were higher than necessary to meet the long term water needs of the City and the surrounding areas; and

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA, as follows:

1. Paragraph 2 of Ordinance 453 covering Monthly Base Rate Schedule and Usage Charge Volume Charge Rate Schedule as shown in Exhibit A attached hereto is hereby amended as shown in Exhibit B attached hereto.
2. Beginning 2016, the base rate and the volume charge shall be adjusted each year on October 1 to reflect the changes in the consumer price index, as published by U.S. Department of Labor.
3. Water rates set forth in Exhibit "B" shall be retroactive to October 1, 2011.
4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.
6. This ordinance shall become effective as provided by law.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port
St. Joe, Florida, this 4th day of October, 2011.

The City of Port St. Joe



Mel Magidson, Jr.
Mayor-Commissioner

ATTEST:



James A. Anderson
City Clerk-Auditor

EXHIBIT "A"

Monthly Base Rate Schedule

<i>Effective Date:</i>	10/12/2010	10/1/2011	10/1/2012	10/1/2013	10/1/2014
<u>Customer Classification</u>					
Residential	\$ 20.84	\$ 22.51	\$ 24.31	\$ 26.25	\$ 28.35
Commercial I	\$ 31.26	\$ 33.76	\$ 36.46	\$ 39.38	\$ 42.53
Commercial II	\$ 62.52	\$ 67.52	\$ 72.92	\$ 78.75	\$ 85.05
Irrigation Only Meter	\$ 20.84	\$ 22.51	\$ 24.31	\$ 26.25	\$ 28.35
Hydrants	\$ 16.67	\$ 18.00	\$ 19.44	\$ 21.00	\$ 22.68

Usage Charge Volume Charge Rate Schedule (per 1,000 gallons or portion thereof)

<i>Effective Date:</i>	10/1/2010	10/1/2011	10/1/2012	10/1/2013	10/1/2014
<u>Residential</u>					
0 – 3,000	\$ 3.14	\$ 3.39	\$ 3.66	\$ 3.95	\$ 4.27
3,001 – 6,000	\$ 3.95	\$ 4.27	\$ 4.61	\$ 4.98	\$ 5.38
6,001 – 9,000	\$ 6.16	\$ 6.65	\$ 7.18	\$ 7.75	\$ 8.37
9,000 +	\$ 9.61	\$ 10.38	\$ 11.21	\$ 12.11	\$ 13.08
<u>Commercial I, Commercial II & Hydrants</u>					
	\$ 3.95	\$ 4.27	\$ 4.61	\$ 4.98	\$ 5.38
<u>Irrigation Only Meter</u>					
0 – 9,000	\$ 6.16	\$ 6.65	\$ 7.18	\$ 7.75	\$ 8.37
9,000 +	\$ 9.61	\$ 10.38	\$ 11.21	\$ 12.11	\$ 13.08

EXHIBIT "B"

Monthly Base Rate Schedule

Effective Date:	10/1/2011	10/1/2012	10/1/2013	10/1/2014	10/1/2015
<u>Customer Classification</u>					
Residential	\$ 21.88	\$ 22.97	\$ 24.12	\$ 25.33	\$ 26.60
Commercial I	\$ 32.82	\$ 34.46	\$ 36.18	\$ 37.99	\$ 39.89
Commercial II	\$ 65.65	\$ 68.93	\$ 72.38	\$ 76.00	\$ 79.80
Irrigation Only Meter	\$ 21.88	\$ 22.97	\$ 24.12	\$ 25.33	\$ 26.60
Hydrants	\$ 17.50	\$ 18.38	\$ 19.30	\$ 20.27	\$ 21.28

Usage Charge Volume Charge Rate Schedule (per 1,000 gallons or portion thereof)

Effective Date:	10/1/2011	10/1/2012	10/1/2013	10/1/2014	10/1/2015
<u>Residential & Irrigation</u>					
0 - 3,000	\$ 3.30	\$ 3.47	\$ 3.64	\$ 3.82	\$ 4.01
3,001 - 6,000	\$ 4.15	\$ 4.36	\$ 4.58	\$ 4.81	\$ 5.05
6,001 - 9,000	\$ 6.47	\$ 6.79	\$ 7.13	\$ 7.49	\$ 7.86
9,000 +	\$ 10.09	\$ 10.59	\$ 11.12	\$ 11.68	\$ 12.26
<u>Commercial I, Commercial II & Hydrants</u>					
All Use	\$ 4.15	\$ 4.36	\$ 4.58	\$ 4.81	\$ 5.05
<u>Irrigation Only Meter</u>					
0 - 9,000	\$ 6.47	\$ 6.79	\$ 7.13	\$ 7.49	\$ 7.86
9,000 +	\$ 10.09	\$ 10.59	\$ 11.12	\$ 11.68	\$ 12.26

**** Consider Setting Irrigation Usage Rates
the same as residential**

The City of Port St Joe

Wastewater Treatment Facility Improvements

Tentative Timeline for Completion of Project

9 JULY – 13 JULY

- Wilo (HW) Influent Pump Station:
 - Thursday, 12 July – Station Start-up.

16 JULY – 20 JULY

- Generator start-ups at HW site and Filter Area:
 - Monday, 16 July – Check out both generators
 - Tuesday, 17 July – 500 (3Hr Load Bank Test – Filter Area)
 - Wednesday, 18 July – 350 (3Hr Load Bank Test – Headworks Area)
 - Thursday, 19 July – Operator Drawing

23 JULY – 3 AUGUST

- Schreiber start-up on Automatic bar screen:
 - Tuesday, 24 July – Bar Screen Start-up.
- Hydro International De-gritting Equipment:
 - Tuesday, 24 July – Equipment Start-up.
- City should collect desired salvage at Existing Primary:
 - Starting Wednesday, 25 July.
- Wednesday, 25 July should be the New Substantial Completion.

6 AUGUST – 31 AUGUST

- Demo of Existing Primary:
 - Starting Wednesday, 8 August
- Friday, 31 August should be the New Final Completion.

Richard Burkett
Code Enforcement Insepector

**Code Enforcement
2012 Activity**

Activity As of 7-13-12
City Of Port St. Joe

	Open	Closed	Total	Increase Since 7/1/12
Unlawful Accumulation	43	40	83	23
Substandard Structure	1	1	2	
Abandoned Vechicle	2	4	6	
Unlawful Sewer	0	3	3	
Land regulation Violation	1	2	3	
Business Lic. Violation	1	1	2	
Special Master Hearings		2	2	
Building Demolition	0	4	4	
Waste Violation	1	71	72	
Sign Violation	0	192	192	56

Total	49	Total	320	Total	369	Total	79
				2012 Year Cases			